

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DESSIE LONAS,

Plaintiff,

v.

JUDGE GRIESBACH, JUDGE BISHEL, JUDGE
ZUDMULDER, A.D.A. DANA JOHNSON,
OFFICER MARY SHARTNER, BROWN
COUNTY POLICE DEPARTMENT,
DEPARTMENT OF CORRECTIONS,
ATTORNEY SINGH, and ATTY. KACHINSKY,

Defendants.

ORDER

16-cv-780-jdp

DESSIE LONAS,

Plaintiff,

v.

DANA JOHNSON,

Defendant.

ORDER

16-cv-790-jdp

DESSIE LONAS,

Plaintiff,

v.

STATE OF WISCONSIN,

Defendant.

ORDER

16-cv-791-jdp

In an order entered January 20, 2017, I dismissed each of these three cases brought by plaintiff Dessie Lonas concerning his 2008 Brown County conviction for repeated sexual assault of a child. Lonas sought to vacate his conviction and receive a new trial, a declaration

that the repeated-sexual-assault-of-a-child criminal statute is unconstitutional, and criminal charges to be brought against officials involved in prosecuting him. I dismissed the cases in a January 20, 2017 order, because I could not grant the type of relief he sought in civil rights lawsuits brought under 42 U.S.C. § 1983. Dkt. 16 in the '780 case. In particular, I could not issue an order vacating his conviction. And under Seventh Circuit precedent, I would not convert his cases into a petition for writ of habeas corpus. I later denied Lonas's motions for reconsideration. *See* Dkt. 23 and Dkt. 27 in the '780 case.

Now Lonas has filed a notice of appeal in each of these cases and requests leave to proceed *in forma pauperis* on appeal. Dkt. 43 and Dkt. 53 in the '780 case. Under 28 U.S.C. § 1915, a district court may deny a request for leave to proceed *in forma pauperis* for one or more of the following reasons: the litigant wishing to take an appeal has not established indigence, the appeal is not taken in good faith, or the litigant is a prisoner and has three strikes. Section 1915(a)(1),(3) and (g); *Sperow v. Melvin*, 153 F.3d 780, 781 (7th Cir. 1998).

I will deny Lonas's request for leave to proceed *in forma pauperis* on appeal, because I am certifying that his appeals are not taken in good faith. An appeal is taken in good faith when a reasonable person could suppose the appeal has some merit. *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). No reasonable person could suppose Lonas's appeals have any merit, because his claims belong in a petition for writ of habeas corpus, not a § 1983 lawsuit.

Because I am certifying that Lonas's appeals are not taken in good faith, he cannot proceed with his appeals without prepaying the \$505 filing fee for each appeal, unless the court of appeals gives him permission to do so. Under Federal Rule of Appellate Procedure 24, Lonas has 30 days from the date of this order to ask the court of appeals to review this court's denial of his request for leave to proceed *in forma pauperis* on appeal. Lonas must include with his

motion an affidavit as described in the first paragraph of Rule 24(a), with a statement of issues he intends to argue on appeal. Also, he must submit a copy of this order. Lonas should be aware that he must file these documents in addition to the notices of appeal that he has previously filed. If he does not file a motion requesting review of this order, the court of appeals may choose not to address the denial of leave to proceed *in forma pauperis* on appeal. Instead, it may require him to pay the full \$505 filing fee for each appeal before it considers his appeals further. If he does not pay the fees within the deadline set, it is possible that the Seventh Circuit will dismiss the appeals.

ORDER

IT IS ORDERED that:

1. Plaintiff Dessie Lonas's motion for leave to proceed *in forma pauperis* in his appeals, Dkt. 53 in the '780 case, is DENIED. I certify that his appeals are not taken in good faith.
2. The clerk of court is directed to ensure that plaintiff's obligation to pay the \$505 fee for filing each appeal is reflected in the court's financial records.

Entered June 5, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge